

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RAHEEM LA'MONZE PLATER,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-20-875-R
)	
DAVID BOWERS, et al.,)	
)	
Defendants.)	

ORDER

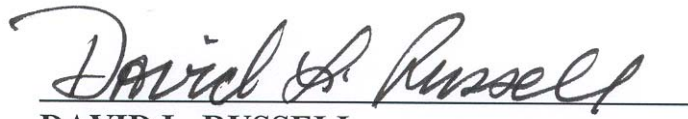
On May 17, 2021, the Honorable Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation, recommending that “Defendants’ Motion to Dismiss, converted to a Motion for Summary Judgment, (Doc. No. 45) be GRANTED and judgment be entered in Defendants’ favor regarding Plaintiff’s federal claims based upon Plaintiff’s failure to exhaust his administrative remedies.”¹ Doc. No. 55, p. 15.

Additionally, the failure of Plaintiff’s federal claims removes the Court’s supplemental jurisdiction over Plaintiff’s state-law claims. *Id.* Thus, Judge Purcell reasoned, Defendant’s Motion should be granted in its entirety and the Court should decline to exercise supplemental jurisdiction over the state-law claims. *Id.* Judge Purcell advised the Plaintiff of his right to object to the Report and Recommendation by June 7, 2021, and further advised that the failure to timely object waives the right to appellate review of the factual and legal issues addressed. *Id.* p. 15-16. Plaintiff failed to make a timely objection.

¹ Judge Purcell explained that the Motion to Dismiss was converted to a motion for summary judgment because “Defendants rel[ied], in part, on evidentiary documents outside of the pleadings in support of their Motion, and Plaintiff was advised of his responsibilities under Fed. R. Civ. P. 12 and 56 in responding to Defendants’ Motion...”. Doc. No. 55, p. 2.

Accordingly, because Plaintiff failed to timely object, Judge Purcell's Report and Recommendation, Doc. No. 55, is hereby ADOPTED in its ENTIRETY. Therefore, Defendant's motion, Doc. No. 45, is hereby GRANTED, and judgment will be entered for the Defendant. Because Defendants are entitled to summary judgment, the court no longer retains supplemental jurisdiction over Plaintiff's state law claims, and therefore, such claims are hereby DISMISSED.

IT IS SO ORDERED on this 16th day of June 2021.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE